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Summary record (partial)* of the 3233rd meeting
Held at the Palais Wilson, Geneva, on Monday, 7 March 2016, at 10 a.m.

Chair: Mr. Salvioli

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.05 a.m.

Opening of the session

1. **Mr. Salama** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that 2016 would mark the fiftieth anniversary of the adoption of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. While growing inequalities and the withdrawal of existing rights in response to migration and terrorism were causes for major concern, the adoption of the Sustainable Development Goals gave room for hope that the Covenants would be more broadly implemented in the near future.

2. OHCHR had made the anniversary the subject of one of its main campaigns for 2016, which had begun with a photo exhibition launched on 16 December 2015. On 1 March 2016, a high-level panel discussion had been held in the Human Rights Council, along with a side event at which participants had stressed the need for the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to be more accessible to smaller, national NGOs that did not have experience in working with treaty bodies. The two Committees would hold a joint plenary meeting in June 2016, and the General Assembly would devote a plenary meeting during its seventy-first session to marking the anniversary. A special event would be held in New York on 16 December 2016, the actual date of the anniversary.

3. In addition, OHCHR planned to raise awareness of the Covenants among a wider audience, particularly among children and young people. A microsite had just been launched that offered promotional materials such as a human rights game for children, a colouring book and a quiz. The Office had prepared fact sheets on the Covenants, an easy-to-read version of each of them and a pocket-sized list of the rights that they established, as well as videos on the impact of the two Committees' work. The celebrations focused on both Covenants, as recent history had demonstrated that it was unhelpful to separate civil and political rights from economic, social and cultural rights. The fiftieth anniversary provided an occasion to strengthen the link between the two Covenants even further.

Adoption of the agenda (CCPR/C/116/1)

4. *The agenda was adopted.*

Organizational and other matters, including the adoption of the report of the pre-sessional Working Group on Individual Communications

5. **Mr. Vardzelashvili** said that the eight-member Working Group had met from 29 February to 4 March 2016 and had considered 31 cases. It was recommending that 2 cases should be declared admissible, that 8 cases should be declared inadmissible and that 21 cases should be considered on the merits.

The public part of the meeting was suspended at 10.20 a.m. and resumed at 12.30 p.m.

6. **The Chair** invited Mr. Shany to introduce his proposal for an expedited process for handling repetitive communications. He recalled that the proposal had been discussed at the Committee's previous sessions and said that he hoped that the Committee members would reach a consensus regarding the proposal at the current session. The rationale and the operational aspects of the proposed procedure were outlined in a document without a symbol that had been distributed informally in the meeting room. He had prepared unofficial French and Spanish versions of the proposal which were also available.

7. **Mr. Shany** said that his proposal was designed to address the growing backlog of pending communications. The idea was to institute an expedited review process for

communications that were very similar to ones that had been examined in the past. The Committee currently spent a great deal of time aligning the texts of Views adopted on new communications with the Views adopted on older communications dealing with the same matters. One of the reasons for that was that different but similar communications were examined by different rapporteurs under the current system.

8. He was proposing a two-year pilot project. Two special rapporteurs would be appointed to handle repetitive communications (that was, cases that dealt with facts and raised legal questions very similar to ones considered by the Committee in the past). The Special Rapporteur on new communications and interim measures would refer cases which he deemed to be repetitive to those rapporteurs, who would then submit a folder containing draft Views to the Working Group on Communications. Every member of the Committee would have the right to veto the decision and return the communication to the ordinary track. If no member of the Working Group wished to remove a communication from the expedited track, the folder would be submitted to the plenary. The new procedure would ensure greater consistency and would enable the Committee to increase its productivity and serve more victims of human rights violations. It was important for the Committee to demonstrate that it was making every effort to increase its productivity, without jeopardizing quality. The proposal contained sufficient safeguards to ensure that the quality of the Committee's work would actually be enhanced.

9. **Mr. Fathalla** said that he endorsed the proposal but would appreciate clarification on one point. According to Mr. Shany, any Committee member had the right to veto a decision to assign a communication to the expedited track. However, according to paragraph 5 of the proposal, the communication would not be returned to the ordinary track, but would be discussed by the Committee. He also noted that it was being proposed that no individual or dissenting opinions would be appended to Views on repetitive communications placed on the expedited track. Would a dissenting opinion which had been expressed by a current member of the Committee in a similar case in the past be automatically reflected or not?

10. **Mr. de Frouville** said that he wished to thank the Chair for translating the proposal into French and Spanish and to point out that such working documents should be made available by the secretariat in the main working languages of the United Nations. He agreed with the proposal in general, but wished to discuss a few of the details relating to its implementation. He welcomed the idea of a two-year pilot procedure as it would enable the Committee to refine its methodology.

11. He would like to know whether, prior to the meeting of the Working Group, the Committee members could be notified of cases identified by the co-rapporteurs as repetitive. That would enable the Committee members to raise any questions or concerns that they might have and would make it possible to avoid unnecessary discussions in the Working Group and the Committee. He also wondered whether communications regarding which there were dissenting opinions should not automatically be excluded from the expedited procedure. When dealing with a communication, the aim was to reach consensus and, in the event of dissenting opinions, an additional discussion might be necessary.

12. **Mr. Ben Achour** said that, in his view, the rules of procedure would need to be reviewed in order for the expedited procedure to be formally adopted. Before undertaking such a review, however, perhaps the Committee should test out the proposed procedure at its following sessions in order to see what the results would be. He welcomed the provision made in the proposal for the removal of a communication from the expedited track. Lastly, he wished to know who would be responsible for appointing the two co-rapporteurs.

13. **Mr. Rodríguez-Rescia** said that he would like to know what would happen if the author of a communication or a State party opposed the use of the procedure because, given

specific concerns related to the case in question, they wanted that case to be examined in a differentiated manner. Actions could be joined if a series of specific conditions had been met, but if an author or a State party claimed that those requirements had not been fulfilled, the Committee would have to know how to respond. Nonetheless, he agreed with the proposal in general. He also noted, however, that, in practice, if there were no objections, a case could be resolved without the involvement of the Working Group or the plenary. Thought should also be devoted to the difficulties involved in requesting that a particular case should be analysed by the Working Group if Committee members received 30 or 40 cases just a few days before the Working Group met.

14. **Ms. Waterval** said that she endorsed the proposal and suggested that the Committee should start testing the procedure at its next session in order to see what challenges might arise.

15. **Mr. Vardzelashvili** said that, if the Committee was divided on a particular case, the case should be returned to the ordinary track. However, in other cases, members who wished for their opinion to be reflected in the Committee's Views on a repetitive case should be given that option.

16. **Mr. Bouzid** said that he entirely agreed with the observations made by Mr. Ben Achour and Mr. Rodríguez-Rescia. He would suggest that a voluntary procedure should be used to appoint the two co-rapporteurs and that the pilot project should run for one year instead of two.

17. **Mr. Iwasawa** said that the resources of the secretariat would need to be strengthened in order for the Committee to benefit from the expedited process.

18. **Mr. Seetulsingh** said that he wondered how the decision as to whether a case was repetitive or not would be reached. Would cases be considered repetitive if the conclusions reached by the Committee were the same or should the merits of each case be considered separately? He was willing to undertake the pilot project but the Committee should not make any commitments with regard to its end result.

19. **Mr. Ben Achour** said that he wondered if there was a way of soliciting the States parties' opinions on the proposal. He was concerned that, since the Committee was introducing a procedure not provided for under the Optional Protocol, some States parties might consider that the expedited process ran counter to its provisions.

20. **The Chair** said that decisions regarding the Committee's methods of work fell within its own area of authority.

21. **Mr. Fathalla** said that the rules of procedure should not be adapted to accommodate a pilot project.

22. **The Chair** said that the pilot project could be conducted first and, if necessary, the rules of procedure could be amended afterwards.

23. **Mr. Shany** said that he thought that it was a good idea to have the project run for one year instead of two. As the Chair had pointed out, the rules of procedure did not need to be amended prior to the project but could be modified later on, if necessary. The Bureau could appoint the two co-rapporteurs, on a voluntary basis, and their appointment would then be submitted to the Committee for approval. In his opinion, at least during the initial stage of the pilot project, the Committee should not be dealing with dissenting views. If there were such views, the case should be removed from the expedited track. Only cases on which the Committee members had reached full agreement should be considered under the extradited procedure. A revised procedure that might allow for dissenting opinions could be developed at a later stage.

24. With regard to the clarification sought by Mr. Fathalla, once a case had been brought before the Working Group, if there were no comments, it had, in essence been adopted by the Working Group by default prior to its submission to the plenary. He doubted that States parties would object to the procedure. What States parties disliked was inconsistency in the way in which cases were resolved by the Committee, and the expedited procedure would help make its decisions more consistent. As for the concerns expressed by Mr. Seetulsingh, the expedited procedure would apply only to cases in which the facts and legal issues were very similar. With respect to one of the concerns expressed by Mr. Rodríguez-Rescia, if a case were withdrawn from the Working Group and there was not enough time to present it, it could be considered at the following session.

25. **Mr. Ben Achour** said that some States parties might well object to the expedited procedure and claim that their case had not been examined properly.

26. **Sir Nigel Rodley** said that the Committee had fast-track procedures for dealing with decisions regarding the admissibility of various types of communications. There was no reason why it should not introduce the expedited procedure for repetitive communications. If it were a question of dealing with a standard communication in which the issues would lead the Committee to conclude that a violation had taken place, then of course the State party would have to be able to respond to the allegations. The aim of the procedure was not to short-circuit inputs from States parties but to make the Committee's discussions more efficient, which was an internal matter.

27. **The Chair** said that he took it that the Committee members wished to approve the proposal to introduce an expedited process for repetitive communications as a pilot project for a period of one year.

28. *It was so decided.*

The meeting rose at 1.05 p.m.